

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

REGINALD ORLANDO SHARP,	)	
#276 220,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:17-CV-427-WKW
	)	[WO]
SGT. CALVIN BANKS,	)	
	)	
Defendant.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

On July 14, 2017, the court directed Plaintiff to forward to the Clerk of Court an initial partial filing fee for \$32.07. Doc. 3. Plaintiff was cautioned his failure to comply with the July 14 order would result in a Recommendation that his complaint be dismissed. *Id.* The court granted Plaintiff two extensions to comply with the order he submit an initial partial filing fee. Docs. 6, 10.

The time to comply with the July 14, 2017, order, as extended, has expired, and Plaintiff has not provided the court with the initial partial filing fee. Consequently, the court concludes that dismissal is appropriate for Plaintiff's failures to prosecute this action and comply with the orders of the court.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge this case be DISMISSED without prejudice for Plaintiff's failures to prosecute this action and comply with the orders of this court.

The Clerk of the Court is DIRECTED to file the Recommendation of the Magistrate Judge and to serve a copy on Plaintiff. Plaintiff may file any objections to the Recommendation **on or before November 3, 2017**. Any objections filed must specifically identify the factual findings and

legal conclusions in the Magistrate Judge's Recommendation to which Plaintiff objects. Frivolous, conclusive or general objections will not be considered by the District Court. This Recommendation is not a final order and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11th Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

DONE, this 17<sup>th</sup> day of October 2017.

/s/Terry F. Moorner  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE